

Message

**From:** Orenstein, James (WES) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MASSMAIL-01/CN=RECIPIENTS/CN=USERS/CN=JORENSTEIN]  
**Sent:** 3/8/2011 7:24:17 PM  
**To:** Hanchett, James (DPH) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=James.Hanchett]  
**CC:** Doran, Melissa (WES) [/O=COMMONWEALTH OF MASSACHUSETTS/OU=MassMail-01/cn=Recipients/cn=Users/cn=Melissa.Doran]  
**Subject:** RE: Equipment Inspection

Jim,

I think it would be helpful if you were to provide us with an affidavit that lists why it would be an undue hardship to allow defense investigators/experts into your lab. I imagine you would say that since the Melendez-Diaz decision that you are busier than ever trying to provide timely analyses to the 4 (5?) western counties and still appear in all the district and superior courts of your region to provide testimony; that you test (xxxx) number of samples/year; that lab protocols provide that you must shut down all work being done and store away all evidence when outside personnel are in the lab; that you have only (xxx) number of full time and part time analysts; that regardless of the length of the visit, that it disrupts your work for a longer period of time, etc.

We could keep that affidavit on file here, and use it to oppose requests of this type. I think most judges will deny these requests if they are presented with an opposition from us to which we could attach the affidavit.

If you want to draft an affidavit and send it to me via e-mail or fax (413-781-4745), I'd be happy to review it and get it to our prosecutors. Jim Orenstein

**From:** Hanchett, James (DPH)  
**Sent:** Tuesday, March 08, 2011 1:11 PM  
**To:** Orenstein, James (WES)  
**Subject:** Equipment Inspection

Hi Jim,

Sorry to bother you, we used to get Franks help with this. Now we need your help. A defense attorney has requested to visually inspect our instrumentation. We have a firm policy of denying all visitors from our laboratory. Because it is disrupting to the laboratory, all samples must be put away and all instrumentation is stopped because of chain of custody problems. This is the email we received from ADA Melissa Doran.

Any help will be greatly appreciated.

**From:** Doran, Melissa (WES)  
**Sent:** Tuesday, March 08, 2011 12:04 PM  
**To:** Pontes, Rebecca (DPH)  
**Subject:** [REDACTED]

Hi Rebecca,

The defense attorneys have filed discovery motions in these cases requesting your case file and also copies of any written protocols or standards that you are required to follow. One of them has also requested that the lab equipment be

"made available" for inspection. I know you can provide the case file, are there any written protocols etc? What do you think about the defense being able to come to the lab (which I doubt would actually happen)?

Thanks,  
Melissa

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